

GUIDELINES FOR DEVELOPMENT WITHIN THE WILDLAND-URBAN INTERFACE

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Everett M. "Sonny" Stiger

Board of Directors
Fire Safe Montana

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GUIDELINES FOR DEVELOPMENT WITHIN THE WILDLAND-URBAN INTERFACE

INTRODUCTION

A. PREFACE

Montana Code Annotated section 76-13-104(8) requires that the Montana Department of Natural Resources and Conservation (DNRC) adopt administrative rules that address development within the wildland-urban interface (WUI). This includes, but is not limited to, best practices for development within the WUI and criteria for providing grant and loan assistance to local government entities to encourage them to adopt those practices. **The "best practices" required by statute are referred to in this document as "Guidelines", to be adopted by reference pursuant to the Montana Administrative Procedure Act and will partially fulfill DNRC's rulemaking mandate.**

1. Wildfire Protection

In Montana, summer typically brings the fire season; the result of low rainfall, high temperatures, low humidity, and summer thunderstorms. Nevertheless, major wildfires may occur at any time of the year. Varied topography, a semi-arid climate, and numerous human related sources of ignition make this possible. **But Montanans can readily protect lives, property, natural resources, and scenic beauty and greatly facilitate the work of fire suppression organizations by following these Guidelines.** This facilitation is especially important in the WUI, where wildfires threaten homes and other buildings.

2. Wildland-Urban Interface Categories

Since the mid-1960s, people have subdivided and developed wildlands for residential, recreational, and commercial uses. This development has created many communities mixed with wildland vegetation. Fire Protection Specialists call these areas the wildland-urban interface or WUI.

A WUI fire situation exists anywhere that structures are located close to natural vegetation. A fire can spread from the vegetation to structures or vice-versa. A WUI can vary from a large housing development adjacent to natural vegetation to a structure(s) surrounded by natural vegetation. The two general categories of WUI are:

- a. **boundary WUI** means an area where a clearly defined, linear boundary of homes meets wildland vegetation. Typically, this sort of interface is on the fringe of large towns; and
- b. **intermix WUI** means an area where structures are scattered among or mixed with wildland vegetation, without a clearly defined boundary.

Typically, the intermix WUI is in rural areas where people have subdivided wildlands into small parcels of 1 to 40 acres.

3. **Purpose of Development Guidelines**

These Guidelines may be used by local government entities, fire protection agencies, planners, developers, and homeowners to improve protection of life, property, and resources from wildland fire. However, because Montana is so large and diverse in terrain, vegetation, and weather, the Guidelines must be applied with flexibility and in consultation with local fire experts. The ultimate goal is the protection of life, property, and resources, and there are several alternatives to achieving that end.

Local governmental entities must examine their individual situations and challenges. This examination may lead to deviations from these Guidelines.

In order for an Authority Having Jurisdiction (AHJ) to institute these Guidelines as a regulatory document, changes must be made to the language. The word "should" must be changed to "shall", "discourage" must be changed to "prohibit" and recommend to "require".

These are minimum guidelines, and counties and AHJ may apply more stringent standards where appropriate. Rules for construction techniques are being addressed by the Montana Department of Labor and Industry (DLI).

Developments in science and technology, along with the adoption of new rules by the state of Montana and its counties governing construction and fuels mitigation in the WUI will present new ideas and direction for homeowners and other residents of the WUI.

B. COMMON WILDLAND-URBAN INTERFACE PROBLEMS

Fire protection agencies, local government entities, developers, planners, and landowners must work together to improve fire protection in the WUI. Some common problems are listed below.

1. Responsibilities and jurisdictions of different fire protection agencies are sometimes unclear.
 - a. Enhancing development standards to achieve better fire protection in the WUI must occur in conjunction with efforts to reduce fuel loads on state and national land that abuts private property.
2. The responsibilities of the developer, planner, and landowner are not well defined. Few people who live, plan, and develop in the WUI recognize the wildfire hazards. Consequently, they seldom invest in appropriate fire prevention and protection measures.

3. Frequently, no fire protection agency takes the responsibility for adopting or enforcing local and state fire regulations.
4. Firefighters often find inadequate roads, insufficient water, and a buildup of natural fuels.
5. Some WUI areas have no organized fire protection agency.

Wildfire disasters in WUI areas are common in many parts of the nation, and the problem is increasing. This problem can be corrected only through comprehensive planning that includes housing development design, fuels management, and public education. A fire-protection agency by itself will not suffice.

These Guidelines describe how to reduce risk by reducing and managing the buildup of fuels, building and maintaining adequate road systems, and providing adequate water to firefighters. These steps, along with the use of fire-resistant materials and designs for homes and outbuildings can work in conjunction to protect lives, property, and natural resources across the state of Montana.

C. DEVELOPMENT OF THESE GUIDELINES

The development of these Guidelines began in the winter of 2007/2008 by many groups, organizations, government agencies, and individuals as concerns grew about protection of lives, property, and natural resources from unwanted wildfire across Montana.

Between the severity of the annual fire seasons and the continued development of the WUI, fire suppression costs escalated, giving even more reason to encourage homeowners, developers, and others to take on some of the responsibility of protecting homes and developments from wildfire (see Appendix A).

In 2007, the Montana State Legislature saw the need for these Guidelines and mandated DNRC to work toward their development and their adoption as administrative rules. The legislation included the following statutes:

Mont. Code Annotated section 76-13-115. State fire policy. The legislature finds and declares that:

- (1) the safety of the public and of firefighters is paramount in all wildfire suppression activities;
- (2) it is a priority to minimize property and resource loss resulting from wildfire and to minimize expense to Montana taxpayers, which is generally accomplished through an aggressive and rapid initial attack effort;
- (3) interagency cooperation and coordination among local, state, and federal agencies are intended and encouraged, including cooperation when restricting activity or closing areas to access becomes necessary;
- (4) fire prevention, hazard reduction, and loss mitigation are fundamental components of this policy;

- (5) all property in Montana has wildfire protection from a recognized fire protection entity;
- (6) all private property owners and federal and state public land management agencies have a responsibility to manage resources, mitigate fire hazards, and otherwise prevent fires on their property;
- (7) sound forest management activities to reduce fire risk, such as thinning, prescribed burning, and insect and disease treatments, improve the overall diversity and vigor of forested landscapes and improve the condition of related water, wildlife, recreation, and aesthetic resources; and
- (8) development of fire protection Guidelines for the wildland-urban interface is critical to improving public safety and for reducing risk and loss.

Mont. Code Annotated section 76-13-104. Functions of department -- rulemaking.

- (1) The department has the duty to ensure the protection of land under state and private ownership and to suppress wildfires on land under state and private ownership. No fees may be collected for this purpose except fees provided for in Mont. Code Annotated section 76-13-201.
- (2) (a) The department shall adopt rules to protect the natural resources of the state, especially the natural resources owned by the state, from destruction by fire and for that purpose, in declared emergencies, may employ personnel and incur other expenses when necessary.
(b) The department may adopt and enforce reasonable rules for the purpose of enforcing and accomplishing the provisions and purposes of part 2 and this part.
- (3) The duty imposed on the department under this section is not exclusive to the department and does not absolve private property owners or local governmental fire agencies organized under Title 7, chapter 33, from any fire protection or suppression responsibilities.
- (4) The department may give technical and practical advice concerning forest, range, water, and soil conservation and the establishment and maintenance of woodlots, windbreaks, shelterbelts, and fire protection.
- (5) The department shall cooperate with all public and other agencies in the development, protection, and conservation of the forest, range, and water resources in this state.
- (6) The department shall establish and maintain wildland fire control training programs.
- (7) The department shall appoint firewardens in the number and localities that it considers necessary, subject to confirmation by the local county government, and shall adopt rules prescribing the qualifications and duties of firewardens that are in addition to those provided in Mont. Code Annotated section 76-13-116.
- (8) By October 1, 2008, the department shall adopt rules addressing development within the wildland-urban interface, including but not limited to:
 - (a) best practices for development within the wildland-urban interface; and

(b) criteria for providing grant and loan assistance to local government entities to encourage adoption of best practices for development within the wildland-urban interface.

With that mandate, the following groups, organizations and government agencies collaboratively assisted DNRC in the fulfillment of its mandate to develop these Guidelines.

Montana League of Cities and Towns
Montana Farm Bureau
Montana Association of Counties
United Department of Agriculture State Forest Service
United States Department of Interior Bureau of Land Management
Montana Department of Labor and Industry
Montana Wood Products Association
Montana Association of Realtors
Independent Insurance Agents of Montana
Montana Department of Commerce
Montana Fire Chiefs Association
Montana State Fire Marshal
Montana Disaster and Emergency Services
Montana Department of Health and Human Services
FireSafe Montana
Lewis and Clark County
NorthWestern Energy
Montana Smart Growth Coalition
Montana Bankers Association
Flathead Electric Cooperative
Fire Logistics Incorporated
Montana Association of Planners
Plum Creek
Missoula County
Montana Forest Landowners Association
Montana Department of Fish, Wildlife and Parks